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TO THE HONOURABLE,

**THE LEGISLATURE**

OF THE

**STATE OF NEW-JERSEY:**

THE MEMORIAL OF THE UNDERSIGNED, OF THE CITY OF BURLINGTON, IN THE SAID STATE, RESPECTFULLY SHEWETH:—

THAT certain contending claims to a tract of land in the County of Morris, known by the name of the *Pumpton Bog Meadows*, said to contain about 1500 acres, had existed under titles to one party from the East Jersey proprietors, and to the other under the West Jersey proprietors, for more than fifty years; so that the lands remained uncultivated and unimproved, in a state of nature, to the publick injury.

That on or about the year 1770, the claimants under the East Jersey proprietors, who by several descents had multiplied so greatly as to render it impracticable to bring actions at common law to try their titles; and if successful, then to ascertain their different proportions; determined to unite in conveying all their claims and titles to trustees in fee, in trust, to commence suits and try their title to the whole tract; and if successful, to ditch and drain the meadows at the joint expense, and then to hear the different claims of the grantors, and finally determine and make partition accordingly.



That the said claimants did proceed to make a full and complete conveyance in fee simple of the said *Bog Meadow* to your Memorialist, Samuel Bayard, and Richard Kemble, Esqs. and the survivors and survivor of them, their heirs and assigns, in joint tenancy, in trust as aforesaid.

That some time in 1772, the said trustees met on the premises, and made known their title to the same, and warned those who were in possession of any part thereof, under the West Jersey claimants, or were committing trespasses thereon, by publick advertisements. They gave leases to several persons for part of the land they took possession of. The said trustees then made application to the claimants in West Jersey, with proposals for referring the dispute between them, and having it settled in an amicable manner. The negotiation continued between them, till the troubles which ended in the war of 1774, put an end to their further proceedings.

After the peace took place, and publick matters were settled, the trustees began again to think of their trust; and finding it was in vain to expect an amicable settlement of the dispute, determined to proceed to ditch and drain the meadows, while they should bring ejectments against those in possession under their opponents, to determine their title. But upon reflecting on the business in detail, they found difficulties arising from the possibility of some persons being entitled to a very small part, with the grantors, who might not at present be known, and also from the necessity there might be in passing through the defendant's possessions, and others, and of emptying the waters through other lands, into the adjacent creek or river. Doubts also arose, whether in case of failure in the suits, the expense of the ditching and draining could be recovered. Application was therefore made to the Legislature in 1785 and 6, setting forth the facts, praying a confirmation of the title of the trustees, with power to do justice to all who should show title, in the opinion of the trustees, and to remove all difficulties attending the business, which in the end would tend to the benefit of whoever should be found entitled to the land.



1st. By this Law, Philip I. Schuyler, and other the petitioners, are determined and adjudged to be the owners of the premises in question, without their having offered a colour of title to the trustees, or submitted it to their consideration, and without the other claimants having been heard.

2nd. By this Law it appears as if the trustees had been solely appointed by the recited Act of 1st June, 1786, without informing the Legislature that the estate was vested in the trustees by a previous Deed, under the Hands and Seals of the claimants of said Lands.

3d. It is set forth in said Law, that the Commissioners had taken possession of the premises, in pursuance of a Law of the State, when the premises are neither mentioned or referred to in the Law, but only the real estate of Henry Brockholst, of which the premises were no part, he never having been vested with more than one fifth of the same in joint tenancy.

4th. It is said that these Commissioners had taken possession of, and sold two thirds of the bog and fly, when it appears that neither Anthony Brockholst, or any claiming under him in his life time, ever pretended any claim to more than one undivided third part; but these Commissioners sold two thirds in severalty.

5th. It is acknowledged by the said Law, that his claim was to but one third, by the provision, that the Commissioner Outwater alone should pay half the purchase money, of the two thirds, to the Treasurer of the State, to remain subject to the claims of the representatives of *said Nicholas Bayard*, who are to substantiate their claims *by a due course of Law*; which the whole previous measures of the owners were designed to prevent, by leaving it to the determination of the trustees or survivor of them, and which the petitioners are excused from, though extending their pretended claim to two thirds of the whole tract in severalty; but who this *said Nicholas Bayard* is, cannot be known from the Law, as there is no such person previously mentioned in it.



6th. The accounts of Outwater, Ward, and *A. McWhorter*, (the last, not before mentioned,) are to be wholly paid out of the two thirds sold by them, together with two thirds of the expenses of the trustees, so that the one third of your Memorialist's estate is not only taken from him, but he is to pay for the unlawful violence.

7th. The half of this purchase money is in the hands of the Treasurer for the heirs of the said Nicholas Bayard; but the heirs of Schuyler are not to receive a farthing, although the heirs of Bayard will still be legally entitled to an undivided half of the remaining one third.

8th. That if this Law should remain unrepealed, it would be a precedent for rendering the courts of Law and Equity in this State wholly nugatory, as litigants would be continually scheming to have all their disputes relative to real estate, settled and determined in a summary way before the Legislature, in direct opposition to the Constitution and Laws of the State.

In short, such is the confusion into which this fine tract of Land is thrown by the repeal of the Law of 1786, that it will in the end, if not remedied by your Honourable body, be spent in litigation, and thus be lost to the real owners.

Your Memorialist is legally bound to proceed to make partition of the whole tract among the claimants, each of whom will bring his action for his right: and thus this fine tract of meadow, not only kept for years in litigation, but in the end the value will be spent in unnecessary Law-suits.

Your Memorialist therefore prays to be heard by council before your Honourable House, if there should remain any doubt about granting the prayer of his memorial.

**ELIAS BOUDINOT.**